

## **MINUTES**

### **MONTANA SENATE 64th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON JUDICIARY**

**Call to Order:** Chair Scott Sales, on February 16, 2015 at 8:00 A.M., in Room 303 Capitol

#### **ROLL CALL**

##### **Members Present:**

Sen. Scott Sales, Chair (R)  
Sen. Jennifer Fielder, Vice Chair (R)  
Sen. Robyn Driscoll (D)  
Sen. Jedediah Hinkle (R)  
Sen. Douglas (Doug) Kary (R)  
Sen. Cliff Larsen (D)  
Sen. Mary McNally (D)  
Sen. Mary Sheehy Moe (D)  
Sen. Diane Sands (D)  
Sen. Nels Swandal (R)  
Sen. Chas Vincent (R)

**Members Excused:** Sen. Kris Hansen (R)

**Members Absent:** None

**Staff Present:** Julianne Burkhardt, Legislative Branch  
Pam Schindler, Committee Secretary

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

##### **Committee Business Summary:**

Hearing & Date Posted: SB 262, 2/6/2015

**HEARING ON SB 262**

**Opening Statement by Sponsor:**

00:02:01 Sen. Chas Vincent (R), SD 1, opened the hearing on SB 262, Implement CSKT water rights settlement.

**Proponents' Testimony:**

00:24:12 Vernon Finley, chairman, Tribal Council, Confederated Salish and Kootenai Tribe (CSKT)

00:29:31 Andrew Huff, chief legal council, Governor's Office, State of Montana

00:31:57 Melissa Hornbein, staff attorney, Reserved Water Rights Compact Commission (RWRCC)

[EXHIBIT\(jus35a01\)](#)

[EXHIBIT\(jus35a02\)](#)

[EXHIBIT\(jus35a03\)](#)

00:47:28 Corey Swanson, county attorney, Broadwater County, special assistant attorney general to work on the compact, Department of Justice (DOJ)

00:57:49 Colleen Coyle, water rights attorney, Bozeman, Ponderosa Advisor, previous senior water master, Montana Water Court

01:02:57 John Youngberg, executive vice president, Montana Farm Bureau Federation (MFBF)

01:06:49 Gene Curry, president, Montana Stockgrowers Association (MSGA)

[EXHIBIT\(jus35a04\)](#)

01:10:22 Steve Hughes, Montana Water Resources Association (MWRA)

01:12:38 Jack Horner, rancher/farmer

01:14:49 Ric Smith, owner/broker, Century 21, Big Sky

01:18:35 David Mannix, self

01:20:25 Krista Lee Evans, Senior Water Rights Coalition (SRWRC)

[EXHIBIT\(jus35a05\)](#)

01:23:00 Walter Sales, Association of Gallatin Water Irrigators, Bozeman

01:24:08 Craig Woolard, public works director, City of Bozeman

01:25:44 Lorents Grosfield, rancher, Big Timber; co-chair, Farmers and Ranchers from Montana (FARM)

01:29:30 Rep. Susan Webber, HD 16, Browning

01:29:53 Wayne Scammon, St. Ignatius

01:31:27 Chris Hager, self, Flathead Lake United Methodist Camp

01:34:07 Sam Sill, Missoula Area Chamber of Commerce

01:35:12 Rick Cline, rancher/farmer; president, Westside Ditch Company

01:36:17 Karen Fagg, self, Yellowstone County; former director, Department of Natural Resources and Conservation (DNRC)

01:37:55 Roger Raynal, Tucker Crossing Ranch

[EXHIBIT\(jus35a06\)](#)

01:39:33 Jim Hagenbarth, self

01:43:11 Hans McPherson, self; vice president, Montana Farm Bureau Federation; Farm Ditch Irrigators, Bitterroot Valley

**EXHIBIT(jus35a07)**

01:44:01 Holly Franz, Billings Chamber of Commerce; Mountain Water Company

**EXHIBIT(jus35a08)**

01:45:12 Jim Berg, farmer/rancher

01:45:56 John Crowley, manager, Bitterroot Irrigation District

01:46:56 JR Iman, Painted Rocks Water Users

**EXHIBIT(jus35a09)**

01:48:28 Hertha Lund, attorney, Common Sense Citizens for the CSKT Compact

**EXHIBIT(jus35a10)**

01:51:13 Dick Erb, farmer/rancher

01:52:36 Mark Aagenes, Montana Trout Unlimited

01:53:10 Dorothy Bradley, Clyde Park, member RWRCC

01:56:33 Mike Murphy, Montana Water Resource Association

01:56:53 Candace West, self; retired attorney, Montana Water Court

01:57:29 John Harrison, attorney, Confederated Salish and Kootenai Tribe (CSKT)

01:57:44 Dennis Duty, self

01:58:00 Brian Upton, attorney, CSKT

01:58:13 George Alberda, chief water commissioner, Gallatin Valley

01:58:30 Sherwin Leep, Gallatin Conservation District

01:58:57 John Alberda, farmer/rancher

01:59:11 Joel Clairmont, CSKT

01:59:28 Joe McDonald, rancher/farmer

01:59:46 Mike Gaffke, self

01:59:59 Ken McAlpin, self

02:00:21 Steve Arca, CSKT

02:00:38 Arnell Phillips, CSKT

02:00:50 Paula Webster, CSKT

02:01:00 Jennifer Finley, CSKT

02:01:10 Joey Jayne, self

02:01:20 Richard Janssen, department head, CSKT

02:01:32 Carolee Wenderoth, Polson

02:01:44 Roger Starkels, self

02:01:59 David Pruitt, self

02:02:25 Ken Cornelius, Ronan

02:02:36 Bernie Atwin, Ronan, CSKT

02:02:49 Maggie Goode, self

02:03:04 Edward McClure, Polson

02:03:20 Janna Clairmont, self

02:03:31 Patrick Lake, self

**EXHIBIT(jus35a11)**

02:03:41 Jacob Cowgill, self, Montana Farmers Union

02:03:52 Jan Tusick, Polson

02:04:06 Doug Alberda, Bozeman  
02:04:15 Jerry Johnson, St. Ignatius  
02:04:23 Sharon Guenzler, Mission Valley Irrigators  
02:04:33 Paul Guenzler, self  
02:04:40 Susan Lake, self  
02:04:47 Greg Shock, St. Ignatius  
02:04:55 Claudia McCready, rancher  
02:05:02 Lloyd Irvine, Ronan, CSKT  
02:05:13 Megan McNamer, self  
02:05:20 Ida Montague, Helena  
02:05:31 Vern Clairmont, self  
02:05:42 Andrea Olsen, self  
02:05:57 Dan Decker, Ronan  
02:06:09 Roberta Decker, St. Ignatius  
02:06:16 Ken TwoTeeth, CSKT  
02:06:26 Robert McDonald, CSKT  
02:06:36 Eileen Casey, Gallatin County  
02:06:47 Sjaan Vincent, Charlo  
02:07:01 Rep. Daniel Salomon, HD 93, Ronan, member RWRCC  
02:07:20 Naomi Robinson, self  
02:07:29 Susette Billedeaux, Ronan, CSKT  
02:07:35 Patty Stevens, CSKT Tribal Council  
02:07:49 Shelby DeMars, Dillon  
02:07:58 Maccine Scammon, St. Ignatius  
02:08:06 Jay Bodner, Montana Cattle Women, also for Montana Association of State  
Grazing Districts  
02:08:19 Roy Lake, Ronan  
02:08:31 Evelyn Lake, Ronan  
02:08:48 Larry VanDyke, self  
02:09:02 Carolyn Beecher, Ronan  
02:09:13 Craig McClure, Polson  
02:09:22 Jack Lake, Ronan  
02:09:28 Shane Morigeau, CSKT  
02:09:39 Frank Matt, self  
02:09:47 Mary Stranahan, Arlee  
02:09:56 Jason Adams, CSKT  
02:10:04 Willy Stevens, self  
02:10:12 Victoria Burkhardt, self  
02:10:27 Doreen Vallee, CSKT  
02:10:41 Ron Drahan, CSKT  
02:10:51 Terry Pitts, CSKT Tribal Council  
02:11:02 Carole Lankford, vice chair, CSKT Tribal Council  
02:11:12 Shelly Fyant, CSKT Tribal Council  
02:11:26 James Bett, CSKT, Jocko Valley

**Opponents' Testimony:**

02:12:29 Rep. Nancy Ballance, HD 87, Hamilton

02:17:36 Catherine Vandemoer, Montana Land and Water Alliance  
[EXHIBIT\(jus35a12\)](#)

02:32:42 Rick Jore, Ronan  
[EXHIBIT\(jus35a13\)](#)

02:41:07 Aubyn Curtis, former legislator, SD 1, Lincoln County  
[EXHIBIT\(jus35a14\)](#)

02:46:46 Abigail St. Lawrence, Flathead Joint Board of Control (FJBC)  
02:48:56 Jon Metropoulos, Rocky Mountain Stockgrowers Association (RMSA), also for  
Harley Hettick, Dixon Melon Company  
02:54:48 Boone Cole, co-chairman, FJBC  
02:58:59 Tim Orr, St. Ignatius, FJBC  
[EXHIBIT\(jus35a15\)](#)

03:05:49 Ross Middlemist, rancher, Dixon  
[EXHIBIT\(jus35a16\)](#)

03:07:29 Jerry Laskody, Mission Irrigation District, FJBC  
03:11:34 Harley Hettick, Dixon Melon Company  
03:11:58 Kim Baker, Baker Land and Cattle Company, Hot Springs  
[EXHIBIT\(jus35a17\)](#)

03:14:28 Greg Hinkle, self, former legislator, Thompson Falls  
03:16:12 William Myers, Big Fork  
[EXHIBIT\(jus35a18\)](#)

03:22:32 Verdell Jackson, self, former legislator, Kalispell  
[EXHIBIT\(jus35a19\)](#)

03:28:25 Robert Pierson, self, Trout Creek  
[EXHIBIT\(jus35a20\)](#)

03:30:08 Jim Paugh, self, Coffee Creek  
[EXHIBIT\(jus35a21\)](#)

03:33:12 Jeanette Zentgraf, self, Lolo  
[EXHIBIT\(jus35a22\)](#)

03:37:13 Thomas Lozeau, CSKT  
[EXHIBIT\(jus35a23\)](#)

03:47:42 John Trochmann, self  
03:48:10 Joan Carroll, St. Regis  
03:48:24 Jock O'Shane Hendrickson, CSKT  
[EXHIBIT\(jus35a24\)](#)

03:48:56 Derek Skees, self  
[EXHIBIT\(jus35a25\)](#)

03:49:06 Ron Hepp, self  
 03:49:22 Steve Tobol, Ronan  
 03:49:35 Leslie Buck, CSKT  
 03:49:52 Shelley Hendrickson, self

[EXHIBIT\(jus35a26\)](#)

03:50:17 Clarice Ryan, Big Fork  
 03:50:45 Brian Quigley, self  
 03:50:58 Kim Skinner, self  
 03:51:05 Michael Hebert, self

[EXHIBIT\(jus35a27\)](#)

03:51:23 Joy Claar, self  
 03:51:34 Chris Sullivan, self  
 03:51:47 Mark Haag, Columbia Falls  
 03:52:53 Jerry Gentry, self  
 03:53:03 Rex Radtke, Hall  
 03:53:13 Tom Rue, Hall  
 03:53:23 Carrie Paulsen, Whitefish  
 03:53:30 Jennifer Nicholson, self  
 03:53:36 Rachel Nicholson, self  
 03:53:42 Phil Mitchell, commissioner, Flathead County

[EXHIBIT\(jus35a28\)](#)

03:53:54 Randy Doty, Charlo

[EXHIBIT\(jus35a29\)](#)

03:54:05 David Passieri, St. Ignatius  
 03:54:16 Bob Gilbert, Citizens for Balanced Use  
 03:54:34 Jerry O'Neil, self, Columbia Falls

[EXHIBIT\(jus35a30\)](#)

03:54:44 Matt Graveley, Avon, Rocky Mountain Stockgrowers

[EXHIBIT\(jus35a31\)](#)

03:54:58 Gerald Cuvilliar, self

[EXHIBIT\(jus35a32\)](#)

03:55:13 Clarence Taber, Columbia Falls  
 03:55:21 Fred Hammel, self  
 03:55:29 Patrick Lamick, self  
 03:55:37 Bill Slaughter, commissioner, Granite County  
 03:55:54 Debbie Biolo, self, Whitefish

[EXHIBIT\(jus35a33\)](#)

03:56:08 Margaret Mullaly, Hamilton  
 03:56:20 Brian Bone, self  
 03:56:25 Johanna Clark, St. Ignatius  
 03:56:44 Shane Orian, self  
 03:57:03 Ruth Costea, self

03:57:12 Debbie Wilson, Kila

[EXHIBIT\(jus35a34\)](#)

03:57:25 Alan Wilson, Kila

[EXHIBIT\(jus35a35\)](#)

03:57:36 Gary Baertsch, self

03:57:45 Gene Erb, self

03:58:02 Roberta Stoken, self

03:58:10 Harlen Gerdes, Ronan

03:58:23 Wade Shepard, self

03:58:38 Patrick LaGuard, Plains

03:59:02 Wayne Blevins, Flathead Irrigation District

[EXHIBIT\(jus35a36\)](#)

03:59:19 Len Shumski, self

03:59:27 Teri Swenson, Ronan

03:59:39 John Swenson, Ronan

03:59:52 Mark French, Paradise

04:00:12 Laura O'Neil, Concerned Citizens of the Flathead

04:00:31 John O'Neil, self

04:00:38 Dan Happel, self

04:00:55 Larry Dolezal, self

04:01:14 James Gould, self

04:01:29 Shirley McHenry, self

04:01:39 Sally Edwards, Lakeside

04:01:48 Gary McHenry, self

04:01:59 Ben Herwitz, White Sulphur Springs

04:02:12 George Hudson, Kalispell

#### **Informational Testimony:**

04:03:27 John Metesh, Montana Bureau of Mines and Geology

04:03:50 Sen. Bradley Hamlett, SD 15, Cascade

#### **Questions from Committee Members and Responses:**

04:04:07 Sen. Larsen

04:04:50 Ms. Hornbein, RWRCC

04:06:19 Sen. Swandal

04:07:11 Ms. Horbein

04:10:07 Sen. Fielder

04:10:31 Ms. Hornbein

04:14:26 Sen. Fielder

04:14:51 Ms. Stevens, CSKT

04:15:46 Rhonda Swaney, legal council, CSKT

04:16:29 Sen. Fielder

04:17:36 Mr. Metesh, MBMG

04:19:04 Sen. Fielder

04:19:07 Seth Makepeace, hydrologist, CSKT

04:20:38 Sen. Sands  
04:20:52 Mr. Swanson, DOJ  
04:22:39 Sen. Fielder  
04:23:12 Mr. Orr, FJBC  
04:25:22 Sen. Hinkle  
04:25:44 Mr. Metropoulos, RMSG  
04:26:52 Sen. Hinkle  
04:27:11 Ms. Hornbein  
04:27:56 Mr. Metropoulos  
04:28:58 Sen. Hinkle  
04:29:02 Mr. Metropoulos  
04:29:26 Sen. Hinkle  
04:29:56 Ms. Hornbein  
04:33:08 Sen. McNally  
04:33:33 Ms. Hornbein  
04:35:51 Sen. McNally  
04:36:18 Sen. Vincent  
04:38:00 Sen. McNally  
04:38:13 John Carter, legal council, CSKT  
04:38:53 Sen. Moe  
04:39:30 Sen. Vincent  
04:41:54 Sen. Kary  
04:42:21 Mr. Metropoulos  
04:44:53 Sen. Hinkle  
04:45:33 Sen. Vincent  
04:47:56 Sen. Hinkle  
04:48:48 Mr. Finley, CSKT  
04:50:33 Ms. Swaney, CSKT  
04:51:33 Sen. Hinkle  
04:52:05 Sen. Larsen  
04:52:38 Ms. Hornbein  
04:55:20 Chairman Sales  
04:56:19 Mr. Finley  
05:00:15 Mr. Carter, CSKT

**Closing by Sponsor:**

05:03:26 Sen. Vincent



**ADJOURNMENT**

Adjournment: 1:17 A.M.

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Pam Schindler, Secretary

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Additional Documents:

**EXHIBIT([jus35aad.pdf](#))**